

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

PUEBLO OF POJOAQUE, a federally recognized
Indian Tribe,

Plaintiff,

vs.

STATE OF NEW MEXICO,

Defendant.

NO. 13-cv-01186-GBW-KBM

**MOTION FOR DEFAULT
JUDGMENT**

COMES NOW the Plaintiff, the Pueblo of Pojoaque, a federally recognized Indian Tribe, by and through its counsel, Scott Crowell, and pursuant to Fed.R.Civ.P. 55, request that the Court enter a judgment of default against the Defendant, State of New Mexico. The remedial provisions for this circumstance are specifically set forth in the Indian Gaming Regulatory Act of 1988 (“IGRA”) at 25 USC §2710(d)(7)(B). In support of this request, the undersigned relies upon the record in this case and the attached Declaration of Scott Crowell.

WHEREFORE, the Plaintiff, Pueblo of Pojoaque, requests an Order of the Court:

- A. Declaring that the State has failed to negotiate in good faith and/or failed to conclude negotiations in good faith; and
- B. Directing the parties to conclude a Tribal-State Compact governing the conduct of Class III gaming activities within sixty days of the Court’s Order; and
- C. Appointing a Mediator and if no agreement is reached within such sixty-day time

- period, instructing that each party shall submit to the Mediator a proposed Compact that represents its last best offer; and
- D. Directing the Mediator to select amongst the last best offers submitted, the one which best comports with the terms of the IGRA and any other applicable Federal law, and with the findings and order of the court; and
- E. Directing the Mediator to submit to the Parties the Compact selected and to provide the State sixty days within which the State shall inform the Mediator that the State consents to the Compact selected; and
- F. Directing the Mediator, in the event the State fails to consent to the Compact selected, to notify the Secretary of the Interior of the State's failure to consent and to provide the Secretary with a true and correct copy of the Compact selected.

DATED: January 13, 2014.

Respectfully Submitted,

/s/ Scott Crowell
SCOTT CROWELL
CROWELL LAW OFFICES TRIBAL ADVOCACY GROUP
Arizona State Bar No. 009654**
1487 W. State Route 89A, Suite 8
Sedona, Arizona 86336
Phone: (425) 802-5369
scottcrowell@hotmail.com

STEFFANI A. COCHRAN
New Mexico State Bar No. 8941*
Chief General Counsel
PUEBLO OF POJOAQUE

Pueblo of Pojoaque Legal Department
58 Cities of Gold Road, Suite 5
Santa Fe, NM 87506
(505) 455-2271
scochran@puebloofpojoaque.org

JANA WERNER
New Mexico State Bar No. 9699*
General Counsel
PUEBLO OF POJOAQUE
Pueblo of Pojoaque Legal Department
30 Buffalo Thunder Trail
Santa Fe, NM 87506
Phone: (505) 819-2254
jwerner@buffalothunder.com

**Local counsel*

*** Non-admitted attorney associating with local counsel*

CERTIFICATE OF SERVICE

I, Scott Crowell, hereby certify that on January 13, 2014, Plaintiff Pueblo of Pojoaque's MOTION FOR DEFAULT JUDGMENT was filed through the ECF System and will be sent electronically to registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to non-registered participants by Certified First Class mail, U.S. postage prepaid to the address below:

State of New Mexico
Office of the New Mexico Attorney General
408 Galisteo Street
Santa Fe, NM 87501

/s/ Scott Crowell
SCOTT CROWELL**